

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**BERNICE MUHAMMAD,**  
**Plaintiff,**

**v.**

**HSBC BANK USA, N.A., as Trustee for  
Merrill Lynch Mortgage Investors, Inc.,  
Mortgage Loan Asset-Backed Certificates,  
Series 2002-HEI,  
Defendant.**

**CIVIL ACTION NO. 09-00053-KD-N**

**ORDER**

After due and proper consideration of all pleadings in this file, and a de novo determination of those portions of the Report and Recommendation to which objection (Doc. 43) is made, the Report and Recommendation of the Magistrate Judge dated September 1, 2009 and made under 28 U.S.C. § 636 is **ADOPTED** as the opinion of this Court.

It is accordingly **ORDERED** that: 1) Plaintiff's Motion for Summary Judgment (Doc. 23) is **DENIED**; 2) Plaintiff's Motion (Doc. 30) concerning Defendant's failure to respond to Plaintiff's restructuring proposal (Doc. 27) is **DENIED**; 3) Plaintiff's Motion concerning Defendant's corporate disclosure (Doc. 33) is **DENIED**; 4) Plaintiff's Motion to Reiterate (Doc. 40) is **STRICKEN**; 5) Plaintiff's Motion for Default Judgment against Merrill Lynch (Doc. 41) is **STRICKEN**; 6) Defendant's Motion to Dismiss (Doc. 24) is **GRANTED**; and 7) Plaintiff's Complaint is **DISMISSED** without prejudice.

**DONE and ORDERED** this the **15<sup>th</sup>** day of **September 2009**.

/s/ Kristi K. DuBose

**KRISTI K. DuBOSE**

**UNITED STATES DISTRICT JUDGE**